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Attorneys for Defendants

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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NELLIE SAMPSON and TIMOTHY GILL, on behalf of  
themselves and all other employees similarly situated,

Plaintiffs, : 10-cv-1342 (SJF)(ARL)

-against- : ECF Case

THE JAMAICA HOSPITAL MEDICAL CENTER and  
THE BROOKDALE HOSPITAL MEDICAL CENTER  
D/B/A BROOKDALE UNIVERSITY HOSPITAL AND  
MEDICAL CENTER,

Defendants. : ----- x

**NOTICE OF MOTION TO DISMISS PLAINTIFFS' THIRD AMENDED COMPLAINT,  
STRIKE THE CLASS/COLLECTIVE ALLEGATIONS AND STAY PROCEEDINGS**

PLEASE TAKE NOTICE THAT, upon the accompanying Memorandum of Law in  
Support of Defendants' Motion to Dismiss Plaintiffs' Third Amended Complaint, Strike the  
Class/Collective Allegations and Stay Proceedings, and the Declaration of Lorie E. Almon, Esq.,  
together with Exhibits A through B, The Jamaica Hospital Medical Center and The Brookdale  
Hospital Medical Center d/b/a Brookdale University Hospital and Medical Center (collectively

“Defendants”) will move this Court on a date and time to be set by the Court, before the Honorable Sandra J. Feuerstein, United States District Judge, at the United States Courthouse, 100 Federal Plaza, Courtroom 1010, Central Islip, New York 11722 for an Order pursuant to Rules 12(b)(6) and 12(f) of the Federal Rules of Civil Procedure granting Defendants’ Motion to Dismiss Plaintiffs’ Third Amended Complaint, Strike the Class/Collective Allegations and Stay Proceedings.

Dated: New York, New York  
September 14, 2012

Respectfully submitted,

SEYFARTH SHAW LLP

By: /s/ Lorie E. Almon  
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